## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

REGINA JACKSON AND RUDOLF
WILLIAMSON, INDIVIDUALLY, AND
ON BEHALF OF THE ESTATE OF
RACHEL JACKSON, DECEASED
Plaintiffs,

v.

CA NO. A 10 CA 522 SS

S
JOHN S. FORD, M.D., AND TRAVIS
COUNTY, TEXAS
Defendants.

## STATEMENT OF DR. FORD'S DEFENSES PURSUANT TO LOCAL RULE CV-16(e)(2)

Defendant John S. Ford, M.D. ("Dr. Ford") is a board-certified psychiatrist who has practiced medicine in the state of Texas for over thirty-five years. Dr. Ford alleges in this case he utilized his education, training, and more than thirty-five years of experience as a board-certified psychiatrist in weighing the risks and benefits and in making the appropriate medical decisions while treating Rachel Jackson. In this respect, Dr. Ford met or exceeded the applicable standard of care, and therefore, Dr. Ford did not commit any act or omission which was sufficiently harmful to evidence deliberate indifference to the serious medical needs of Rachel Jackson.

Dr. Ford further asserts that in addition to any other limitation under the law, recovery of medical or health care expenses in this case is limited to the amount actually paid or incurred by or on behalf of the claimant as set forth in Texas Civil Practice & Remedies Code § 41.0105. Dr. Ford also asserts all of his rights under Chapter 41 of the

Texas Civil Practice & Remedies Code with respect to any claim for exemplary damages by Plaintiffs in this case, including, but not limited to, the cap on exemplary damages set forth in § 41.008, the preclusion of pre-judgment interest on exemplary damages mandated by § 41.007, and the defendant-specific award and several liability-only provisions of § 41.006. In the unlikely event Plaintiffs recover a judgment in this case, Dr. Ford's liability is limited to the amounts provided in Texas Civil Practice & Remedies Code §§ 74.301, 74.302 and 74.303.

Finally, Dr. Ford contends Plaintiffs Rudolf Williamson and Regina Jackson lack sufficient capacity to sue Dr. Ford on behalf of Rachel Jackson's Estate.